

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

OPINION AND ORDER
DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff Antone L. Knox, a prisoner appearing *pro se*, has brought yet another civil rights complaint, this time against 38 defendants. He also has filed a motion for leave to proceed *in forma pauperis* and supporting documentation in conformance with 28 U.S.C. § 1915(a). A review of his litigation history, however, indicates he has accumulated at least three prior civil rights actions that count as “strikes,” pursuant to 28 U.S.C. § 1915(g):

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

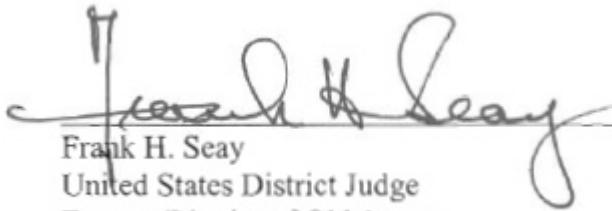
Petitioner's civil rights complaint in *Knox v. Pink-Roberts*, No. CIV-08-195-Raw-SPS (E.D. Okla. Sept. 1, 2009), *aff'd*, No. 09-7082 (10th Cir. Mar. 22, 2010), was dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. The court dismissed plaintiff's civil rights case in *Knox v. Aldridge*, No. CIV-10-

044-JHP-SPS (E.D. Okla. May 6, 2010), as frivolous and malicious. On appeal, the Tenth Circuit Court of Appeals affirmed this court's determination, and further found the dismissal of the appeal counted as a second strike in that case. *Knox v. Aldridge*, No. 10-7035, slip op. at 6 (10th Cir. Feb. 14, 2011). Finally, in *Knox v. Bland*, No. CIV-10-147-JHP-SPS (E.D. Okla. Aug. 20, 2010), *aff'd*, No. 10-7066 (10th Cir. Feb. 14, 2011), plaintiff's complaint was dismissed as frivolous and malicious.

Although plaintiff's complaint is next to impossible to read, he apparently is complaining about, among other things, alleged racial prejudice, misconduct reports, food, and denial of access to the courts. *See* Docket No. 1 at 22. The court, however, finds he has not demonstrated he is in imminent danger of serious physical injury and that he qualifies for the exception in 28 U.S.C. § 1915(g).

ACCORDINGLY, plaintiff's motion for leave to proceed *in forma pauperis* [Docket #2] is DENIED. Plaintiff is directed to forward the **\$350.00** filing fee to the Court Clerk within twenty (20) days. Failure to submit the filing fee as directed, or to show cause for failure to pay the fee, will result in dismissal of this action. The agency having custody of plaintiff is ordered to release funds from his accounts, including his trust account, for payment of the filing fee.

DATED this 4th day of June, 2012.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma